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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,088	02/07/2001	Nobutaka Ishidera	1086.1137/JDH	4568
21171	7590	08/04/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	8
DATE MAILED: 08/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,088

Applicant(s)

ISHIDERA, NOBUTAKA

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL REJECTION

1. Claims 1-32 are presented for examination. Claims 30-32 are newly added claims
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.
3. Claims 1, 2, 7, 9-11, 16, 18-20, 25 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski et al. (Kulakowski), U.S. Patent No. 6,418,535 in view of Orton et al. (Orton), U.S. Patent No. 6,118,306.

As per claim 1, Kulakowski discloses a software processing apparatus comprising:

an operating environment determining unit which determines whether an operating environment requires power saving or not [abstract all; col. 3, lines 3-6; figs. 1A and 1B];

a switch unit [col. 3, lines 7-14] which performs a process of heavy load for a CPU [col. 3, lines 39-48] in a first environment which does not require power saving and performs a process of light load for said CPU in a second environment requiring power saving [abstract all; col. 4, lines 43-50].

Kulakowski does not explicitly disclose that an automatic CPU clock adjusting unit which causes a decrease in a CPU clock to the lowest level necessary in response to a throughput required to said CPU.

However, Orton discloses that an automatic CPU clock adjusting unit which causes a decrease in a CPU clock to the lowest level necessary in response to a throughout required to said CPU [col. 2, lines 11-27].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Kulakowski and Orton because the specific teachings of Orton states above would further improve the power consumption of Kulakowski system by lowering the CPU clock.

As per claim 2, Kulakowski discloses that operating environment determines a status where the apparatus operates on an external power supply as said first environment, and determines a status where the apparatus operates on a battery as said second environment [abstract all; col. 3, lines 3-15].

As per claim 7, Kulakowski discloses that a setting unit of setting the switching between said process of heavy load and said process of light load to be valid or invalid [98, fig. 5; col. 5, line 57-col. 6, line 9].

As per claim 9 is written in mean plus function and contained same limitations as claim 1, therefore same rejection is applied.

As to claims 10-11, 16, 18 and 31-32, Kulakowski and Orton together teach the claimed system. Therefore, Kulakowski and Orton together teach the claimed method of steps to carry out the system.

As to claims 19-20, 25 and 27-30, Kulakowski and Orton together teach the claimed system. Therefore, Kulakowski and Orton together teach the claimed recording medium to carry out the system.

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4. Claims 3-6, 8, 12-15, 17, 21-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulakowski et al. (Kulakowski), U.S. Patent No. 6,418,535 in view of Orton et al. (Orton), U.S. Patent No. 6,118,306 as applied to claim 1, further in view of Nakaya et al. (Nakaya), US patent no. 5,949,484.

As per claim 3, Nakaya discloses that processing of light load is a process obtained by simplifying said process of heavy load [col. 3, lines 48-56].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Kulakowski and Orton and Nakaya because they teach of power consumption for a system, and the specific teachings of Nakaya states above would further improve the power consumption of Kulakowski system by simplifying a process of a heavy load.

As per claim 4, Nakaya discloses that simplified process is a part of said process of heavy load [col. 3, lines 48-56].

As per claim 5, Nakaya discloses that simplified process is a process of using data obtained by processing data used in said process of heavy load [col. 3, lines 48-56].

As per claim 6, Nakaya discloses that simplified process is another process realizing the same function as that of said process of heavy load [col. 3, lines 48-56].

As per claim 8, Nakaya discloses that process of heavy load and said process of light load are performed by a processor and said processor changes an operation clock frequency in accordance with load of a process [col. 3, lines 31-38].

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As to claims 12-15 and 17, Kulakowski and Orton and Nakaya together teach the claimed system. Therefore, Kulakowski and Orton and Nakaya together teach the claimed method of steps to carry out the system.

As to claims 21-24 and 26, Kulakowski and Orton and Nakaya together teach the claimed system. Therefore, Kulakowski and Orton and Nakaya together teach the claimed recording medium to carry out the system.

5. Applicant's arguments in the remark of the amendment filed on 5/27/04, which have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

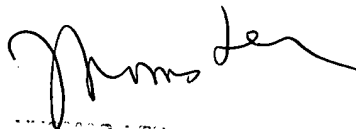
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chun Cao

July 28, 2004



THOMAS LEE
SUPERVISOR
ART UNIT 2115
JUL 28 2004